

1 AMENDMENT TO HOUSE BILL 1277

2 AMENDMENT NO. _____. Amend House Bill 1277 on page 1 by
3 replacing line 5 with the following:

4 "Sections 15-65 and 18-80 as follows:

5 (35 ILCS 200/15-65)

6 Sec. 15-65. Charitable purposes. All property of the
7 following is exempt when actually and exclusively used for
8 charitable or beneficent purposes, and not leased or
9 otherwise used with a view to profit:

10 (a) Institutions of public charity.

11 (b) Beneficent and charitable organizations
12 incorporated in any state of the United States, including
13 organizations whose owner, and no other person, uses the
14 property exclusively for the distribution, sale, or
15 resale of donated goods and related activities and uses
16 all the income from those activities to support the
17 charitable, religious or beneficent activities of the
18 owner, whether or not such activities occur on the
19 property.

20 (c) Old people's homes, facilities for persons with
21 a developmental disability, and not-for-profit
22 organizations providing services or facilities related to
23 the goals of educational, social and physical

1 development, if, upon making application for the
2 exemption, the applicant provides affirmative evidence
3 that the home or facility or organization is an exempt
4 organization under paragraph (3) of Section 501(c) of the
5 Internal Revenue Code or its successor, and either: (i)
6 the bylaws of the home or facility or not-for-profit
7 organization provide for a waiver or reduction, based on
8 an individual's ability to pay, of any entrance fee,
9 assignment of assets, or fee for services, or (ii) the
10 home or facility is qualified, built or financed under
11 Section 202 of the National Housing Act of 1959, as
12 amended.

13 An applicant that has been granted an exemption
14 under this subsection on the basis that its bylaws
15 provide for a waiver or reduction, based on an
16 individual's ability to pay, of any entrance fee,
17 assignment of assets, or fee for services may be
18 periodically reviewed by the Department to determine if
19 the waiver or reduction was a past policy or is a current
20 policy. The Department may revoke the exemption if it
21 finds that the policy for waiver or reduction is no
22 longer current.

23 If a not-for-profit organization leases property
24 that is otherwise exempt under this subsection to an
25 organization that conducts an activity on the leased
26 premises that would entitle the lessee to an exemption
27 from real estate taxes if the lessee were the owner of
28 the property, then the leased property is exempt.

29 (d) Not-for-profit health maintenance organizations
30 certified by the Director of the Illinois Department of
31 Insurance under the Health Maintenance Organization Act,
32 including any health maintenance organization that
33 provides services to members at prepaid rates approved by
34 the Illinois Department of Insurance if the membership of

1 the organization is sufficiently large or of indefinite
2 classes so that the community is benefited by its
3 operation. No exemption shall apply to any hospital or
4 health maintenance organization which has been
5 adjudicated by a court of competent jurisdiction to have
6 denied admission to any person because of race, color,
7 creed, sex or national origin.

8 (e) All free public libraries.

9 (f) Historical societies.

10 Property otherwise qualifying for an exemption under this
11 Section shall not lose its exemption because the legal title
12 is held (i) by an entity that is organized solely to hold
13 that title and that qualifies under paragraph (2) of Section
14 501(c) of the Internal Revenue Code or its successor, whether
15 or not that entity receives rent from the charitable
16 organization for the repair and maintenance of the property,
17 (ii) by an entity that is organized as a partnership, in
18 which the charitable organization, or an affiliate or
19 subsidiary of the charitable organization, is a general
20 partner, for the purposes of owning and operating a
21 residential rental property that has received an allocation
22 of Low Income Housing Tax Credits for 100% of the dwelling
23 units under Section 42 of the Internal Revenue Code of 1986,
24 or (iii) for any assessment year including and subsequent to
25 January 1, 1996 for which an application for exemption has
26 been filed and a decision on which has not become final and
27 nonappealable, by a limited liability company organized under
28 the Limited Liability Company Act provided that (A) the
29 limited liability company receives a notification from the
30 Internal Revenue Service that it qualifies under paragraph
31 (2) or (3) of Section 501(c) of the Internal Revenue Code;
32 (B) the limited liability company's sole members, as that
33 term is used in Section 1-5 of the Limited Liability Company
34 Act, are the institutions of public charity that actually and

1 exclusively use the property for charitable and beneficent
2 purposes; and (C) the limited liability company does not
3 lease the property or otherwise use it with a view to profit.
4 (Source: P.A. 90-207, eff. 1-1-98; 91-416, eff. 8-6-99.);
5 and

6 on page 2, immediately below line 24, by inserting the
7 following:

8 "Section 90. The State Mandates Act is amended by adding
9 Section 8.25 as follows:

10 (30 ILCS 805/8.25 new)

11 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
12 and 8 of this Act, no reimbursement by the State is required
13 for the implementation of any mandate created by this
14 amendatory Act of the 92nd General Assembly."